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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,431	06/27/2001	Loc Nguyen	10003.001410(digeo 109.2)	6025

32641 7590 12/17/2004

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EXAMINER

KOENIG, ANDREW Y

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,431

Applicant(s)

NGUYEN ET AL.

Examiner

Andrew Y Koenig

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/12/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6, 9-17, 19, 21-23, 25, and 28-32 are rejected under 35

U.S.C. 102(a/e) as being anticipated by U.S. Patent 6,040,829 to Croy et al. (Croy).

Regarding claim 1, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station.

Regarding claim 2, Croy teaches a set top box as the customer premise equipment (col. 8, ll. 53-61).

Regarding claim 3, Croy teaches the notification device as the remote control.

Regarding claim 4, Croy teaches that information being electronic mail (col. 9, ll. 19-30).

Regarding claim 6, Croy teaches an LCD (fig. 2, label 246) for displaying a message immediately (col. 13, ll. 44-47), which reads on a light signal.

Regarding claim 9, Croy teaches the alert signal being transmitted wireless by radio frequency, which is capable of penetrating a wall or barrier (col. 4, ll. 13-38).

Regarding claim 10, Croy teaches a base station, which transmits all the information to the personal navigator (col. 8, ll. 53-61).

Regarding claim 11, Croy teaches displaying messages immediately on the personal navigator, which equates to a notification device capable of receiving the alert signal.

Regarding claim 12, Croy teaches the personal navigator as being capable of downloading data and code from a variety of sources (col. 8, ll. 33-52), further Croy teaches using the personal navigator for a different applications (col. 9, ll. 11-34). Clearly, the personal navigator is capable of transmitting a control signal that permits the execution of an application for processing the received information.

Regarding claim 13, Croy teaches a base station, which can be implemented into a devices, such as a set top boxes, personal computers, etc. (col. 8, ll. 53-61), by having a processor, clearly the customer premise equipment is capable of detecting received information.

Regarding claim 14, Croy teaches a base station, which can be implemented into a television, displays information, clearly the customer premise equipment is capable of displaying the received information.

Regarding claim 15, Croy teaches a display (fig. 2, label 246), which is a display for displaying the received information.

Regarding claim 16, Croy teaches the personal navigator coupled to the base station via a wireless connection (col. 4, ll. 13-38).

Regarding claim 17, Croy teaches the personal navigator coupled to the base station via a wired connection (col. 4, ll. 13-38).

Regarding claim 19, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification.

Regarding claim 21, Croy teaches a set top box as the customer premise equipment (col. 8, ll. 53-61).

Regarding claim 22, Croy teaches the notification device as the remote control.

Regarding claim 23, Croy teaches that information being electronic mail (col. 9, ll. 19-30).

Regarding claim 25, Croy teaches an LCD (fig. 2, label 246) for displaying a message immediately (col. 13, ll. 44-47), which reads on a light signal.

Regarding claim 28, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits

the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. The personal navigator of Croy has a memory (fig. 2, label 222), which is a mach readable memory for storing instructions. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification.

Regarding claim 29, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification.

Regarding claim 30, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches a base station, which can be implemented into a television, displays information, clearly the customer premise equipment is capable of displaying the received information. Croy teaches a base station, which can be implemented into a devices, such as a set top boxes, personal computers, etc. (col. 8, ll. 53-61), by having a processor, clearly the customer premise equipment is capable of detecting received information. Croy teaches an LCD (fig. 2,

label 246) for displaying a message immediately (col. 13, ll. 44-47), which reads on a light signal.

Regarding claim 31, Croy teaches a set-top box (claimed customer premise equipment) (col. 8; ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches a base station, which can be implemented into a television, displays information, clearly the customer premise equipment is capable of displaying the received information. Croy teaches a base station, which can be implemented into a devices, such as a set top boxes, personal computers, etc. (col. 8, ll. 53-61), by having a processor, clearly the customer premise equipment is capable of detecting received information. Croy teaches an LCD (fig. 2, label 246) for displaying a message immediately (col. 13, ll. 44-47), which reads on a light signal.

Regarding claim 32, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches a base station, which can be implemented into a television, displays information, clearly the customer premise equipment is capable of displaying the received information. Croy teaches a base station, which can be implemented into a devices, such as a set top boxes, personal

computers, etc. (col. 8, ll. 53-61), by having a processor, clearly the customer premise equipment is capable of detecting received information. Croy teaches an LCD (fig. 2, label 246) for displaying a message immediately (col. 13, ll. 44-47), which reads on a light signal.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 6,081,830 to Schindler.

Regarding claim 5, Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy is silent on received information being an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

Regarding claim 24, Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy is silent on received information being an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

5. Claims 7, 8, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 6,313,887 to Gudorf.

Regarding claim 7, Croy teaches a speaker (fig. 2, label 250, col. 5, ll. 32-34), which produces a sound signal. However, Croy is silent on producing a sound signal for a notification. Gudorf teaches an auditory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an auditory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 8, Croy teaches a display and speaker, but is silent on producing a vibration signal for a notification. Gudorf teaches a vibratory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Croy by producing an vibratory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 26, Croy teaches a speaker (fig. 2, label 250, col. 5, ll. 32-34), which produces a sound signal. However, Croy is silent on producing a sound signal for a notification. Gudorf teaches an auditory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an auditory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 27, Croy teaches a display and speaker, but is silent on producing a vibration signal for a notification. Gudorf teaches a vibratory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an vibratory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

6. Claims 18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy).

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Regarding claim 18, Croy teaches wireless and wired connections, but is silent on using cable wire. Official Notice is taken that the use of cable wiring is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by using a wired connection in order to efficiently transmit data over a low-noise transmission channel thereby enabling a higher data throughput.

Regarding claim 20, Croy is silent on transmitting a command from the personal navigator to the set top box to execute an application capable of processing the received information. Official Notice is taken that transmitting a command to execute an application capable of processing the received information is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by transmitting a command to execute an application capable of processing the received information in order to easily display newly receiving information to the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PATENT EXAMINER